C.S. 100 Single Bench

(8)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION NO. 685 OF 2005

PETITIONER: Devendra Kumar Tahalyani, son of Shri H.P. Tahalyani, age 27 years Proprietor M/s Tahalyani & Brothers, Crematorium, Ravi Gram, Telibandha, Raipur.

VS

RESPONDENTS:

1. State of Chhattisgarh, through the Secretary, Ministry of Forest, D.K.S. Bhawan, Raipur.
2. The Conservator of Forest, Raipur Circle, Jail Road, Raipur.
3. The Divisional Forest Officer (G), Forest Division Dhamtari, District Dhamtari.

P.R. No. 679/05
Presented by Shri B.R. Sharma
dated 18-12-05

WRIT PETITION UNDER ARTICLE 226 & 227 OF THE CONSTITUTION OF INDIA.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 665 / 2005 सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

3-3-2005

Shri Ajit Singh, counsel for the petitioner.

Shri Sumesh Bajaj, Deputy Government Advocate for the State.

Heard both the counsel.

The only grievance raised by the petitioner in this petition is that he has been blacklisted vide impugned order Annexure-P/1 dated 8-10-2004 without giving show cause notice to the petitioner.

Perusal of the order Annexure-P/1 reveals that on 5-8-2004 when the auction proceedings were in process the petitioner's representative misbehaved and created obstruction in the process of auction and that is why he has been blacklisted. From the perusal of this order it is clear that no show cause notice was given to the petitioner before passing the impugned order. Therefore, on this score only, this order is bad and liable to be set aside.

In view of the above, the impugned order is set aside. However, it is made clear that respondents are not precluded from proceeding for the same conduct of the petitioner after giving show cause notice.

With the aforesaid observation and direction, the petition stands disposed of.

Consequently, M.(W.)P. No.559/2005, and I.A. No.1407/2005 also stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C.BHADOO
Judge

Barve

(पीछे देखिये)